

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent

RECEIVED

# 8

Application Number : 10/519,231

18 MAY 2006

Applicant : Lynn McMullen et al.

Filed : 12/27/004

Docket No. : C66010.1IS

Customer No. : 24286

Legal Staff  
International Division

TRADEMARK FEE PROCESS  
RECEIVED  
2006 MAR 14 P 4:37  
US PATENT &  
TRADEMARK OFFICE

RESPONSE

Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Defective Response dated February 14, 2006, we respectfully request to correct the inventorship.

The international application was filed without the proper inventive entity, and was discovered by the undersigned at a date too late to correct the inventorship during international processing. Accordingly, we wish to correct the inventive entity at the national stage.

03/23/2006 LLANDGRA 00000047 10519231

01 FC:1464

130.00 DP

Pursuant to 37 C.F.R. § 1.497(d), attached please find a statement indicating that the error of inventorship occurred without deceptive intention on his part. Also please find enclosed a copy of the oath/declaration by the actual inventors as required by 37 C.F.R. § 1.68. The original oath/declaration was filed on December 19, 2005 and includes the proper inventive entity.

Please amend the above-identified application to include the inventor, David C. Smith.

In accordance with 37 CFR 1.497(d), we have attached a statement from the person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his part. Also please find attached the processing fee set forth in § 1.17(i) in the amount of \$130.00.

We believe the following will complete the requirement for acceptance under 35 U.S.C. 371 and respectfully request and confirmation Official Filing Receipt.



03-13-2006

Respectfully submitted,

*William J. Bundren*

William J. Bundren  
PTO Reg. No. 31,712

March 11, 2006

734 Larue Road  
Millersville, Maryland 21108-2155

Telephone: 410-923-2660  
Facsimile: 410-923-2478

TRADEMARK FEE PROCESS  
RECEIVED  
2006 MAR 14 1P 4: 37  
US PATENT &  
TRADEMARK OFFICE



## DECLARATION

I, David C. Smith, hereby declare that my residence/post office address and citizenship are 51 Winners Circle, Toronto, Ontario M4L 3Y7 CANADA.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTROLLED SPOILAGE FOOD COMPOSITIONS, the specification of which was filed on 27 December 2004 as US Application Serial No. 10/519,231.

I hereby state that the inventive entity in the above-noted U.S. application is different than the inventive entity set forth in the international application. The correct inventive entity includes David C. Smith as an additional inventor. The executed § 1.63 declaration filed in the above-identified application is correct, and the error in inventorship in the international application occurred without any deceptive intention on my part.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
David C. Smith

Date

13 mar 06

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**



Declaration  
Submitted  
with Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

C66010.1

First Named Inventor

Micheal E. Stiles et al.

**COMPLETE IF KNOWN**

Application Number

10/519,231

Filing Date

12/27/2004

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTROLLED SPOILAGE FOOD COMPOSITIONS

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

12/27/2004

as United States Application Number or PCT International

Application Number

10/519,231

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/CA2003/000986 60/391,645	PCT	06/27/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	US	06/27/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

10/519231

PTO/SB/01 (10-01)

Approved for use through 10/31/2002. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**Direct all correspondence to: ☒Customer Number  
or Bar Code Label

24286

OR ☐

Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :



A petition has been filed for this unsigned inventor

 1-00  
 Given Name Michael E.  
 (first and middle [if any])

 Family Name Stiles  
 or Surname

 Inventor's  
 Signature
Michael E. Stiles

Date

7 July 2005
Edmonton  
 Residence: City
CAX
 Alberta  
 State

 Canada  
 Country

 CA ✓  
 Citizenship

Mailing Address 1039-109 Street

Edmonton  
 City

 Alberta  
 State

 T6J 5G2  
 ZIP

 Canada  
 Country

NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

 2-00  
 Given Name Lynn  
 (first and middle [if any])

 Family Name McMullen  
 or Surname

 Inventor's  
 Signature
Lynn McMullen

Date

Nov 24, 2005
Edmonton  
 Residence: City
CAX
 Alberta  
 State

 Canada  
 Country

 CA ✓  
 Citizenship

12323-51A Avenue

Mailing Address

Edmonton  
 City

 Alberta  
 State

 T6H 0N3  
 ZIP

 CA  
 Country
☒ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



Rec'd PCT/PTO 14 MAR 2006

10/519231

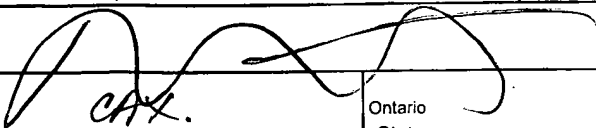
Approved for use through 07/31/2009. OMB 0551-0038  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION**

**ADDITIONAL INVENTOR(S)**  
Supplemental Sheet

Page 3 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
David C		Smith	
Inventor's Signature 		Date 22 NOV 2005	
Toronto Residence: City	Ontario State	Canada Country	UK Citizenship
51 Winners Circle			
Mailing Address			
Toronto City	Ontario State	M4L 3Y7 Zip	Canada Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Citizenship
Mailing Address			
City	State	Zip	Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.